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Attorneys for Plaintiff
Chanel, Inc.

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHANEL, INC., a New York corporation

Plaintiff,

v.

HEATHER L. GARDNER a/k/a HEATHER
BENJAMIN and COREY GARDNER,
individually and d/b/a GARDNERINC.NET d/b/a
SHOPWITHCLASS d/b/a DEZ9ERDREAMZ,
and DOES 1-10,

Defendants.

Case No. 07-cv-6679-GBD-MHD

**DECLARATION OF ROBERT
HOLMES IN SUPPORT OF
CHANEL'S MOTION FOR
SUMMARY JUDGMENT**

1. My name is Robert Holmes, and I am an officer of IPCybercrime.com, LLC, formerly the Holmes Detective Agency, a licensed private investigative firm located in Plano, Texas.

2. I am over 18 years of age and have personal knowledge of the facts set forth herein. If called upon to do so, I could and would competently testify as to the following facts in support of Chanel's Motion for Summary Judgment against Defendants Heather L. Gardner a/k/a/ Heather Benjamin and Corey Gardner, individually and d/b/a GardnerInc.net d/b/a ShopWithClass d/b/a Dez9erDreamz ("Defendants").

3. In or about November 2005, my firm was retained by Chanel, Inc. ("Chanel") to investigate the suspected sale of counterfeit Chanel products by the Defendants.

4. On or about November 14, 2005, I conducted a domain name search of GardnerInc.net through <http://NetworkSolutions.com> and determined the domain name was created on October 24, 2005 and registered under the name Heather Gardner. A true and correct copy of the "whois" search I conducted for the domain name GardnerInc.net is attached hereto as Exhibit "1."

5. In or about December 2005, I placed an order for one handbag bearing the Chanel Marks at issue in this action through Defendants' Internet website, GardnerInc.net. I paid \$55.00, including shipping. The payee information provided listed "Heather Gardner; Dez9erBoutique@yahoo.com."

6. On December 28, 2005, my firm received the handbag purchased from GardnerInc.net, which was sent via U.S. Mail. The return address on the outer packaging listed "Heather Gardner, 204 Eleanor St., Horseheads, NY 14845." True and correct photographs of the handbag shipped to my firm by the Defendants, together with photographs of the outside packaging and the chain of custody are attached hereto as Exhibit "2."

7. The handbag my firm purchased from the Defendants through GardnerInc.net was turned over to representatives of Chanel in New York, together with the chain of custody, for

evaluation. After conducting an analysis of the handbag forwarded by my firm to Chanel, Chanel confirmed that the handbag was counterfeit.

8. On or about January 23, 2006, I received an email from Corey@GardnerInc.net explicitly recognizing that Chanel had issued a warning to their site regarding the sale of their products. The email stated that all Chanel products had to be removed from the GardnerInc.net site. A true and correct copy of the email I received from Corey@GardnerInc.net is attached hereto as Exhibit "3."

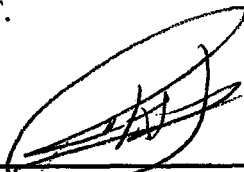
9. In or about April 2007, my firm was once again retained by Chanel to investigate the suspected sale of counterfeit Chanel products by the Defendants.

10. On or about April 19, 2007, I conducted a domain name search of DivineHandbags.net through <http://whois.domaintools.com> and determined the domain name was created on April 9, 2007 and registered under the name Corey Gardner. Additionally, the contact email address listed Dez9erBoutique@yahoo.com, the same email address provided in the payee information from my investigative buy. See Paragraph 5 above. A true and correct copy of the domain name search I conducted for DivineHandbags.net is attached hereto as Exhibit "4."

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

Dated this 12th day of September, 2008.



ROBERT HOLMES

EXHIBIT 1

WHOIS Search provides domain registration information from Network S... Page 1 of 3

NetworkSolutions.**WHOIS Search Results****Network Solutions SSL Certificates**

as low as \$99 a year!

[LEARN MORE](#)

Join Us in Supporting Those Affected by Hurricane Katrina

WHOIS Record For**gardnerinc.net**

Certified Offer Service - Make an offer on this domain
 Backorder - Try to get this name when it becomes available
 SSL Certificates - Make this site secure
 Site Confirm Seals - Become a trusted Web Site

Domain Name..... gardnerinc.net
 Creation Date..... 2005-10-24
 Registration Date.... 2005-10-24
 Expiry Date..... 2006-10-24
 Organisation Name.... Heather Gardner
 Organisation Address. P O Box 99800
 Organisation Address.
 Organisation Address. Emeryville
 Organisation Address. 94662
 Organisation Address. CA
 Organisation Address. US

Admin Name..... PrivateRegContact Admin
 Admin Address..... P O Box 99800
 Admin Address.....
 Admin Address..... Emeryville
 Admin Address..... 94662
 Admin Address..... CA
 Admin Address..... US
 Admin Email..... contact@myprivateregistration.com
 Admin Phone..... +1.5105952002
 Admin Fax.....

Tech Name..... PrivateRegContact TECH

[View Order](#)

**BUY THE AVAILABLE
 EXTENSIONS
 FOR THIS DOMAIN NA**

gardnerinc	<input checked="" type="checkbox"/>	.or
gardnerinc	<input checked="" type="checkbox"/>	.int
gardnerinc	<input checked="" type="checkbox"/>	.biz
gardnerinc	<input checked="" type="checkbox"/>	.tv
gardnerinc	<input checked="" type="checkbox"/>	.cc
gardnerinc	<input checked="" type="checkbox"/>	.wt
gardnerinc	<input checked="" type="checkbox"/>	.bz
gardnerinc	<input checked="" type="checkbox"/>	.vg
gardnerinc	<input checked="" type="checkbox"/>	.gs
gardnerinc	<input checked="" type="checkbox"/>	.tc
gardnerinc	<input checked="" type="checkbox"/>	.m

[Continue](#)[SEARCH AGAIN](#)

WHOIS Search provides domain registration information from Network S... Page 2 of 3

Tech Address..... P O Box 99800
 Tech Address.....
 Tech Address..... Emeryville
 Tech Address..... 94662
 Tech Address..... CA
 Tech Address..... US
 Tech Email..... contact@myprivateregistration.com
 Tech Phone..... +1.5105952002
 Tech Fax.....
 Name Server..... yns1.yahoo.com
 Name Server..... yns2.yahoo.com

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

Current Registrar: MELBOURNE IT, LTD. D/B/A INTERNET NAMES
 WORLDWIDE
IP Address: 66.218.79.169 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-CALIFORNIA-SUNNYVALE
Lock Status: REGISTRAR-LOCK
DMOZ no listings
Y! Directory: see listings
Data as of: 14-Jun-2005

Enter a search term:

e.g. networksolutions.co

Search by:

- ☒ Domain Name
☐ NIC Handle
☐ IP Address

POPULAR CATEGORIES

Travel
 Car Rental
 Hotels
 Airline

Financial Planning
 Debt
 Credit Cards
 Loans

Business and Finance
 Affiliate Program
 Student Loans
 Stocks



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Search Through Thousands of Expired Domains

Don't miss your chance to find a domain name you want. Place a Backorder on an expired domain name today.



Secure Your Site with an SSL Certificate

EXHIBIT 2



sales receipt

Gardner Inc

1-807-259-1887

809 South Pine St.
Horseheads, NY 14845

Date 11/23/2005

Sold To

Ship To

Sale No. 125

Rep

Payment Method

Paypal

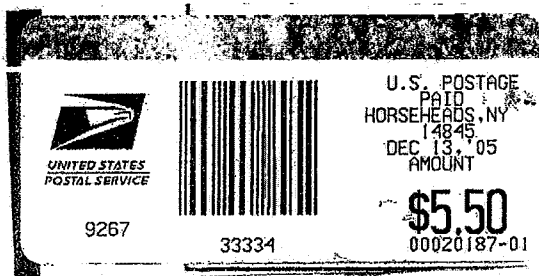
Item	Description	Qty	Rate	Amount
CC3121	Chanel Handbag		50.00	50.00
Shipping	USPS Priority Shipping		5.00	5.00

Thank you for visiting www.gardnerinc.net

Total

\$55.00

FROM: **Heather Gardner**
204 Eleanor St.
Horseheads NY 14845





The **Holmes**
Detective Agency

CHAIN OF CUSTODY FORM
EVIDENCE #20050370

CASE NAME: **gardnerinc.net**

CASE #: **CH03971**

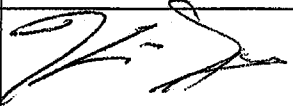
COLLECTED FROM: **"Heather" / Gardner Inc.**

COLLECTED BY: **KH**

COLLECTION METHOD: **Internet Buy**

DESCRIPTION OF EVIDENCE: **(1) Chanel handbag (black)**

TRANSFER HISTORY

RECEIVED BY	DATE	SIGNATURE	TRANSFERRED TO	DATE
K. Hedlund	12/28/2005		Oka via UPS	1/5/2006

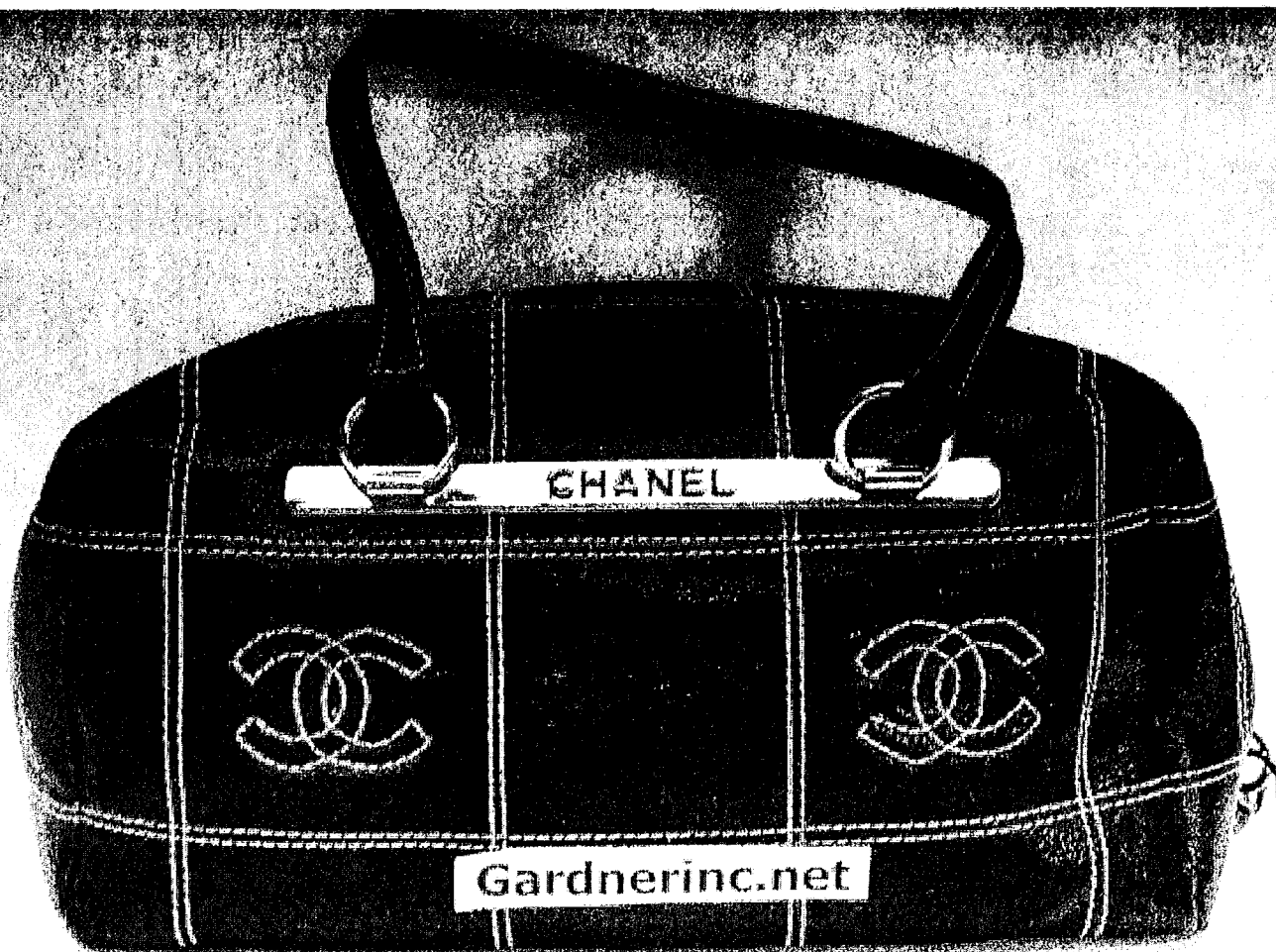


EXHIBIT 3

Main Identity from [REDACTED]

From: "corey gardner" <corey@gardnerinc.net>
To: <AJ0Y724@ZOOMINTERNET.NET>; <mrwolex@yahoo.co.uk>; <brprochnow@sbcglobal.net>;
 <cat1606@aol.com>; <CHERYL_SMITH20@YAHOO.COM>; <n1lady@aol.com>;
 <Eschroeder0605@yahoo.com>; <emilyarnold20@yahoo.com>; <inegley@comcast.net>;
 <chris@waxnmore.com>; <totalviplady@aol.com>; <JYLATHAM@YAHOO.COM>;
 <kkhalouf@msn.com>; <dwrigh3@nycap.rr.com>; <deliza12002@yahoo.com>;
 <seeshells58@hotmail.com>; <reachinghigher4u@yahoo.com>; <wingsdirections@gmail.com>;
 <beachboy0705@yahoo.com>; <Sunshyn1314@aol.com>; <godvia1@yahoo.com>;
 <ebanksns@aol.com>; <wendyalehr@aol.com>; <www.trulva001@hotmail.com>;
 <crazygurl346@hotmail.com>; <sunsetingboda44@hotmail.com>;
 <babyjordan2345@hotmail.com>; <pattimartin@comcast.net>; <booscoos39@yahoo.com>;
 <kvhealthclub@adelphia.net>; <ICUANTIQUE@MSN.COM>; <mcohen05@comcast.net>
Sent: Monday, January 23, 2006 1:17 PM
Subject: Weekly Gardner Inc Newsletter and Item Update

Gardner Inc has got a new face lift. Due to the company growing so quickly we needed more space on our website for even more items. This week we started to switch over the site to a larger site. Bare with me for the next 2 weeks as I update and add more items to the new site. BAD NEWS: Chanel has issued a warning to me and I had to obey this and remove all their items off the site.

New Items:

CHLOE has come to Gardner Inc. I will be adding our Chloe items in the next week. We have listed one Chloe handbag that can be seen on the site. They are 100% exactly like the originals and you can profit up to 450.00 or more off these bags.

I am in the middle of adding the new AAA LOUIS VUITTON bags directly to the site. I will be adding them everyday for the next couple weeks. The documents will then be taken off the site.

NOTES:

When placing orders you will now be asked to enter your country due to the size of our global clients.

Along with the new site will I will be adding more detailed information for each item. What they come with and the dimensions. This should help alot of people.

1/24/2006

ITEMS COMING:

I am working on a deal with a company to bring Coach Handbags around 300 of them and Coach wallets around 20 more then we currently have to our site. Also added if the deal goes through will be even more LV and FENDI wallets and BAGS will follow!!!!

Thank you all for your continued business and remember we are here as business partners and will help you all best we can.

Corey & Heather Gardner
www.gardnerinc.net

1/24/2006

EXHIBIT 4

launches **Psychic Whois**
AJAX-ified

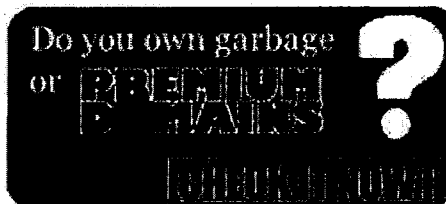
Welcome **Guest!** Login/Join

Whois divinehandbags.net > Domain Suggestions > For Sale > Auctions > Advanced Auctions > Domain Search > Domain Monitor
Domain Directory | Ping > | Traceroute > | My IP Address | Cheap Domain Name Registration | Bulk Check | more >
Power Tools: Reverse IP | Domain History | Mark Alert | Name Server Spy | Domain Typo New! | XML API

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DomainTools Blog: ICANN finds problem with Resellers - Posted 1 day ago

Next >

Whois for Divinehandbags.net (Divine Handbags)

Front Page Information

Website Title: Best Quality Replica Handbags

Record Type: Domain Name

AboutUs: Wiki article on Divinehandbags.net

SEO Score: 75%

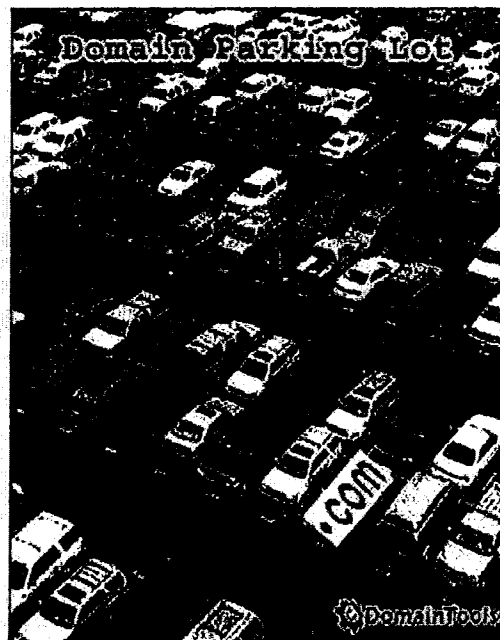
Meta Relevance: No terms. Site needs Meta Description.

Terms: 187 (Unique: 128, Linked: 30)

Images: 10

Links: 19 (Internal: 19, Outbound: 0)

Thumbnail



Server Data

IP Address: 68.142.212.117 **W R P D T**

IP Location: - California - Sunnyvale - Inktomi Corporation

Blacklist Status: Clear ([history](#))

SSL Cert: s.p10.hostingprod.com expires in 760 days

Website Status: Active

SEO Text Browser

Loading... SEO Text Browser
false

Registry Data

ICANN Registrar: MELBOURNE IT, LTD. D/B/A INTERNET NAMES
WORLDWIDE

Created: 08-apr-2007

Expires: 08-apr-2008

Registrar Status: clientTransferProhibited

Whois Server: whois.melbournet.com

Name Server: YNS1.YAHOO.COM

DomainTools Exclusive

NS History: 1 change. Using 1 unique name server in 0 years.

IP History: 1 change. Using 1 unique IP address in 0 years.

Reverse IP: 180,271 other sites hosted on this server.

Monitor Domain: [Set Free Alerts on divinehandbags.net](#)

Free Tool: [Download DomainTools for Windows](#)

Revised
on April
18th 2007-
12:50pm
<http://www.divinehandbags.net>

Cant find
item? Simp
email us a
picture of

Whois Record

Domain Name..... divinehandbags.net
Creation Date..... 2007-04-09
Registration Date.... 2007-04-09
Expiry Date..... 2008-04-09
Organisation Name.... corey gardner
Organisation Address. 222 winding way
Organisation Address.
Organisation Address. Horseheads
Organisation Address. 14845
Organisation Address. NY
Organisation Address. UNITED STATES

Admin Name..... corey gardner
Admin Address..... 222 winding way
Admin Address.....
Admin Address..... Horseheads
Admin Address..... 14845
Admin Address..... NY
Admin Address..... UNITED STATES
Admin Email..... ~~corey.gardner@yahoo.com~~
Admin Phone..... +1.6073310291
Admin Fax.....

Tech Name..... YahooDomains TechContact
Tech Address..... 701 First Ave.
Tech Address.....
Tech Address..... Sunnyvale
Tech Address..... 94089
Tech Address..... CA
Tech Address..... UNITED STATES
Tech Email..... domain.tech@yahoo-inc.com
Tech Phone..... +1.6198813096
Tech Fax.....
Name Server..... yns1.yahoo.com
Name Server..... yns2.yahoo.com

[Disable SEO Text Browser \(Beta \)](#)

Other TLDs

Toggle Key

.com	.net	.org	.info	.biz	.us
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Customize This Page

Select the Items you want to be shown on this page. [Login](#) to save preferences.

☒ Front Page

☒ Indexed Data

☒ Server Data

☒ Registry Data

☒ Exclusive Data

Backorder

[Set a backorder](#) so you can own divinehandbags.net when it becomes available.

Domain	Price
FashionableHandbags.com	\$250.00
MobileHandbags.com	\$400.00
LostHandbags.com	\$500.00
ProHandbags.com	\$500.00
EnglishHandbags.com	\$500.00
LittleHandbags.com	\$700.00
TeenHandbags.com	\$950.00
RedHandbags.com	\$950.00
BlueHandbags.com	\$1,000.00
BigHandbags.com	\$1,100.00
SummerHandbags.com	\$1,150.00

Domain	Creation
Divine Hardwood.com	2000-12-01
Divine Handicrafts.com	2001-04-24
Divine Hand Poured Candles	2003-12-08
Divine Happiness.com	2004-02-12
Divine Hands Reiki.com	2004-06-05
Divine Hand.com	2004-08-14
Divine Handwriting.com	2004-10-27